

N THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

STEVEN R. BLAIR,	)	8:07CV307
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
NEBRASKA DEPARTMENT OF	)	<b>MEMORANDUM</b>
CORRECTIONAL SERVICES, et al.,	)	<b>AND ORDER</b>
	)	
Defendants.	)	
	)	

This matter is before the court on its own Motion. On December 7, 2009, the court granted Plaintiff's Motion for Summons on Kimberly Robertus ("Robertus"). (Filing No. [67](#).) The court granted this Motion because Plaintiff had previously been given leave to substitute Robertus as a Defendant in this matter. (Filing Nos. [29](#) and [30](#).) However, it is now apparent that Plaintiff failed to name Robertus as a defendant in the caption of his Amended Complaint. (Filing No. [33](#).) Because Plaintiff failed to name Robertus as a defendant, Plaintiff is not permitted to proceed against Robertus. In order to correct the record, the Clerk of the court is no longer directed to deliver the documents in filing no. [41](#) to the Marshals for service of process.

IT IS THEREFORE ORDERED that:

1. Plaintiff is not permitted to proceed against Robertus.
2. The Clerk of the court is no longer directed to deliver the documents in Plaintiff's Motion for Summons (filing no. [41](#)) to the Marshals for service of process.

December 15, 2009.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge

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